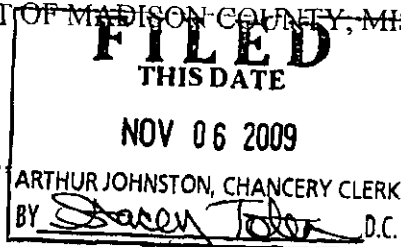


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IN THE CHANCERY COURT OF MADISON COUNTY, MISSISSIPPI

DAVID NUTT, P.A.,
DAVID NUTT & ASSOCIATES, P.C.,
f/k/a DAVID NUTT & ASSOCIATE, P.A.
and NUTT & MCALISTER, PLLC



PLAINTIFFS

vs.

CIVIL ACTION NO. 2009-258

DEREK A. WYATT

DEFENDANT

ORDER

This matter came before the Court on October 20, 2009 on Defendant Derek A. Wyatt's ("Wyatt") Motion to Dismiss and the Response in Opposition filed by Plaintiffs David Nutt, P.A., David Nutt & Associates, P.C., f/k/a David Nutt & Associates, P.A., and Nutt & McAlister, PLLC ("Plaintiffs"), as well as Plaintiffs' Motion for Appointment of Special Master and Wyatt's Response in Opposition to the same. The Court, having considered the Motions and the Responses, having heard oral argument, and being otherwise fully advised in the premises, is of the opinion that the Motion to Dismiss should be denied in part; and the Motion for Appointment of Special Master should be granted in part.

IT IS HEREBY ORDERED that Wyatt's Motion to Dismiss as it relates to Plaintiffs' replevin claims is DENIED. At the request of Wyatt's Counsel, the Court, at this time, will not rule on Wyatt's Motion to Dismiss as it relates to Plaintiffs' declaratory judgment claims, and will defer ruling on that portion of the Motion to Dismiss until the hearing set for December 4, 2009.

IT IS FURTHER ORDERED that Plaintiffs' Motion to Appoint Special Master is GRANTED IN PART. The Court hereby orders that Robert W. Sneed, Esq., shall be appointed Special Master to advise the Court regarding the claims and/or discovery he makes during the November 11, 2009 hearing in the related proceeding of In re Wyatt & McAlister, Civil Action



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No. 2009-90-B, as it relates to the files and/or claims of files that may or may not be in the possession of Wyatt or in an office or building possessed and/or controlled by Wyatt and/or any entity that he may have an interest in, such files being the subject of Plaintiffs' replevin claims that are the subject to this action. The Court will defer ruling on the Motion for Appointment of Special Master as it relates to Plaintiffs' declaratory judgment claims until the hearing set for December 4, 2009.

SO ORDERED, this the 5th day of November, 2009.


CHANCELLOR

ORDER SUBMITTED BY:

s/Joseph Anthony Sclafani

Christopher A. Shapley, Esq. (MSB No. 6733)
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APPROVED AS TO FORM:

s/Donna M. Meehan

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